IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 19469 of 2004**

Between:

Somisetty Venkatanarayana, S/o Balasubbaiah,Sarpanch
Pamuru Gram Panchayat, R/o Pamuru, Prakasam District

**..... PETITIONER**

AND

1 The District Collector, (Panchayat Wing), Prakasam District, Ongole
2 The District Panchayat Officer, Ongole, Prakasam District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing Proceedings Roc.No.1710/2003(Pts)/A1 dated 6-10-2004, without giving any opportunity and without waiting for the time granted for giving explanation, as highly illegal, arbitrary and contrary to principles of natural justice and violative of Article 14 of the Constitution of India and set aside the same and consequently direct the respondents to permit the petitioner to operate the funds of the Gram Panchayat.

**Counsel for the Petitioner:MR.M.R.TAGORE**

**Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court, at the stage of admission, made the following :**

**ORDER**

Petitioner is the sarpanch of Pamuru Gram Panchayat, Prakasam District. The second respondent through impugned notice dated 6.10.2004 called upon the petitioner to show cause as to why he shall not be prohibited from operating on General/S.G.R.Y./E.F.C. funds of Pamuru Gram Panchayat and pending final orders in the matter, the Extension Officer (PR&RD), Pamuru was authorized to draw the funds under the above heads. Questioning the same, the present writ petition is filed.

Learned counsel for the petitioner submits that in the annexure of the impugned show cause notice specifying the irregularities 1 to 8, it was stated that irregularities 5,6, and 7 have been proved about the drawing of the amount and not producing the cash books and connected records for verification. He submits that without there being any enquiry, the conclusion of the authorities that the irregularities have been proved is not proper.

The alleged irregularities 5,6 and 7 mentioned in the annexure of the impugned notice, which are stated to be proved, are on the basis of the report of the Divisional Panchayat Officer, Kandukur wherein, it was stated that he verified the records and found that the petitioner misused the funds and failed to remit the same to the Gram Panchayat and also failed to produce the cash books and the connected records. In view of the same, it is always open for the petitioner to submit his explanation pursuant to the impugned show cause notice by producing the necessary records and accounts for the drawing of the funds and its utilization for the purposes for which it was drawn and on such submission of the explanation and the documents, if any, the respondents are directed to consider the same and pass appropriate orders pursuant to the impugned notice. Since the impugned notice is only a show-cause notice for taking further action, the writ petition cannot be entertained and the same is liable to be dismissed.

With the above observation, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

28th October, 2004

tsr.

To

1 The District Collector, (Panchayat Wing), Prakasam District, Ongole
2 The District Panchayat Officer, Ongole, Prakasam District

3 Two CCs to Government Pleader for Panchayat Raj &Rural Development,
High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.